

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GERALD M. McKINNON,

Plaintiff,

v.

Civil Action No. 5:06CV39
(STAMP)

AL HAYNES, Warden,
H. TAYLOR, Associate Warden,
CAPTAIN BETLER,
MR. HOFFMAN, Counselor,
C. GREINER, Unit Manager,
HARRELL WATTS, Administrator of Appeals
and K.M. WHITE, Regional Director,

Defendants.

**ORDER GRANTING AS FRAMED PLAINTIFF'S MOTION
FOR EXTENSION OF TIME TO FILE OBJECTIONS TO
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On April 6, 2006, the pro se plaintiff, Gerald McKinnon, initiated the above-styled civil action. The case was referred to United States Magistrate Judge James E. Seibert for submission of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B). The magistrate judge considered the plaintiff's complaint and submitted a report and recommendation on October 16, 2007. Upon submitting this report, the magistrate judge informed the plaintiff that if he objected to any portion of the magistrate judge's proposed findings of fact and recommendation for disposition, he must file written objections within ten days after being served with a copy of the report.

On October 29, 2007, the plaintiff filed a motion for an extension of time to file objections to the magistrate judge's

report and recommendation. In his motion, the plaintiff informs this Court that the correctional facility in which the plaintiff is incarcerated has imposed a "lockdown," which prevents the plaintiff from timely filing objections to the magistrate judge's report and recommendation. The plaintiff requests an extension until five days after the date that the correctional facility lifts the "lockdown" and returns to normal operations.

For good cause shown, the plaintiff's motion for an extension of time to file an objection to the magistrate judge's report and recommendation is hereby GRANTED as framed. The plaintiff shall file objections to the magistrate judge's report and recommendation within five days after the correctional facility where the plaintiff resides returns to normal operations or on January 2, 2008, whichever date is earlier.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the pro se petitioner and to counsel of record herein.

DATED: November 2, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE